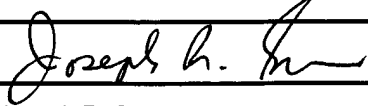
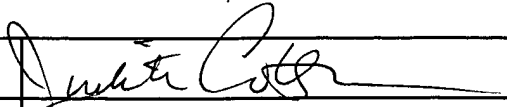
 <p>TRANSMITTAL FORM</p> <p>(to be used for all correspondence after initial filing)</p>	Application Number	09/582,404
	Filing Date	June 23, 2000
	First Named Inventor	Yamashita
	Art Unit	1616
	Examiner Name	A. Pryor
	Attorney Docket Number	19941A-000300US
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Issue Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Application for Patent Term Adjustment Under 37 CFR 1.705; Return Postcard
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Joseph R. Snyder		
Date	February 25, 2005	Reg. No.	39,381

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
Signature: 		
Typed or printed name	Judith Cotham	Date February 25, 2005



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P.O. Box 1450
Alexandria, VA 22313-1450

On 2/25/05

TOWNSEND and TOWNSEND and CREW LLP

By: Judith Cotter

Zhu
DAC(I)
PATENT *#*

Docket No.: 19941A-000300US
Client Ref. No.: WA-0436 US(PCT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Noboru Yamashita, et al.

Application No.: 09/582,404

Filed: June 23, 2000

For: SUSTAINED-RELEASE
PHARMACEUTICAL COMPOSITIONS

Examiner: A. Pryor

Art Unit: 1616

**APPLICATION FOR PATENT TERM
ADJUSTMENT UNDER 37 C.F.R. §
1.705**

1455

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance mailed December 28, 2004, and in accordance with 37 C.F.R. § 1.705, Applicants respectfully request reconsideration of the patent term adjustment.

Statement Of Facts - 37 C.F.R. § 1.705(b)(2)

(i) Correct Patent Term Adjustment and Basis

The subject application was filed after May 29, 2000, not between June 7, 1995 and May 29, 2000 as indicated in the Determination of Patent Term Extension

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accompanying the Notice of Allowance, and is thereby eligible for adjustment of patent term in accordance with 37 CFR 1.702.

Moreover, Applicants respectfully draw to the Examiner's attention that as of the date of the mailing of the Notice of Allowance, the correct patent term adjustment is 211 days based on the grounds set forth below.

(ii) Relevant Dates under 37 CFR 1.703

The subject application was filed as a U.S. national stage application under 35 USC 371(f) on June 23, 2000. A Notice of Allowance was mailed by the Office on December 28, 2004, more than three years from the actual filing date of the application. The difference between the actual filing date and mailing date of the Notice of Allowance, not including the period of time consumed by Continued Examination, is 457 days. This calculation is based on the number of days in the period beginning on the day after the date that is three years after the date on which the national stage commenced under 35 USC 371(f) in an international application, June 23, 2000, and ending on the date the Notice of Allowance was mailed, December 28, 2004, and subtracting there from the number of days in the period beginning on the date that a Request for Continued Examination was filed, September 23, 2004, and ending on the date that the Notice of Allowance was mailed.

(iii) Terminal Disclaimer

This application is not subject to a terminal disclaimer.

(iv) Circumstances under 37 CFR 1.704

Applicants further submit that the period of adjustment set forth above be reduced by a total of 246 days. This calculation is based on sum of the cumulative difference between the following periods of time in excess of three months that were taken to reply to any notice or action by the office:

<u>Office Action Mailed</u>	<u>Response Filed</u>	<u>Days in Excess of 3 Months</u>
August 13, 2001	January 17, 2002	55
February 21, 2002	August 29, 2002	90

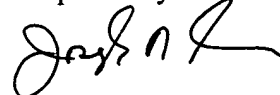
October 9, 2002	March 7, 2003	57
June 4, 2003	September 8, 2003	4
November 19, 2003	February 23, 2004	4
May 18, 2004	September 23, 2004	36
<i>Total</i>		246

Conclusion

In view of the foregoing, Applicants submit that the correct patent term adjustment as of the mailing date of the Notice of Allowance is 211 days, which is the difference between the sum of periods calculated under 37 CFR §1.703 (457 days) and the sum of periods calculated under 37 CFR §1.704 (246 days). Accordingly, Applicants respectfully request that the patent term adjustment be reconsidered. The Issue Fee Transmittal is being timely submitted herewith.

The Commissioner is hereby authorized to charge the fee of \$200.00 for filing a request for reconsideration of the patent term adjustment as set forth in § 1.18(e), the fee of \$1400.00 for payment of the Issue Fee as indicated on the enclosed Issue Fee Transmittal, and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,



Joseph R. Snyder
Reg. No. 39,381

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